IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 20318 of 2007(R)

AGAINST THE ORDER IN IA 763/2007 IN
OP.13/2003 of PRINCIPAL SUB COURT,KOLLAM

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PETITIONER:

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1. R.GOVINDA PILLAI, GEETHA BHAVAN,
KUNNATHOOR P.O., KOLLAM DISTRICT.

2. P.GOURIKUTTY PILLAI THANKACHI,
GEETHAS, JYOTHI NAGAR, KESAVADASAPURAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.BINDU SREEKUMAR

RESPONDENTS:

R.SIVASANKARA PILLAI, THANKAPRABHA,
PUNNATHALA NORTH, THIRUMULLAVAROM P.O.,
KOLLAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.20318 OF 2007 R

Dated this the 3rd July, 2007.

JUDGMENT

This writ petition is filed seeking to set aside the order in I.A.763/07 in O.P.13/03. The said petition is filed by the petitioners to produce a letter dated 13.12.1985 written by the deceased. According to the respondent the deceased was on enmical terms with the petitioner. The second counter petitioner is resisting the claim on the basis of a codicil written on a meda vishu day. Now the attempt of the petitioner is to establish that the deceased was not on enmical terms as contended by the counter petitioner. It may have relevance for the reason that the codicil excludes this person. By permitting the petitioner to produce that document and adduce evidence in support of the same no harm or hardship will be caused to the other side and certainly he can cross-examine him challenging the veracity of the document. The court below was right in allowing the application and therefore the order does not call for any interference. Writ petition is therefore dismissed. The trial court is

directed to dispose of the matter as expeditiously as possible.

M.N.KRISHNAN
Judge

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